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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,678	06/30/2000	Curtis A. Vock	388051	1240

30955 7590 06/01/2004

LATHROP & GAGE LC
4845 PEARL EAST CIRCLE
SUITE 300
BOULDER, CO 80301

EXAMINER


CHARIOUI, MOHAMED

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicati n N .	Applicant(s)	
	09/607,678	CURTIS A. VOCK ET AL.	
	Examiner	Art Unit	
	Mohamed Charioui	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

P r i d f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant cancelled claims 1-20.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21 and 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Goetzl (U.S. 5,721,539).

As per claims 21 and 28, Goetzl teaches a base station for displaying at least one performance metric (see col. 2, lines 52-63); one or more mobile sensing units for attachment with participants in a competitive event (see col. 2, lines 30-39) and for transmitting wireless data representing the at least one performance metric (see col. 2, lines 30-39); and at least one relay unit (i.e. the transmitter) for receiving data representing the at least one performance metric from the sensing units and for transmitting the received data to the base station (i.e. receiver circuitry 49 and microprocessor 50) (see col. 2, lines 47-63 and col.6, lines 22-31).

As per claim 26, Goetzl further teaches that the base station displays at least one performance metric on the scoreboard (i.e. display unit 52) (i.e. receiver worn on the user wrist) (see col. 2, lines 30-39 and col. 6, lines 60-67).

As per claim 27, Goetzl further teaches a display device electrically coupled to the base station, and wherein the base station displays the at least one performance metric on the display device (see col. 2, lines 30-39 and col. 2, lines 54-63).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goetzl in view of Helmsderfer (U.S. 6,028,627) and Geiger (U.S. 5,420,828).

Goetzl teaches the system as stated above except that the event system comprises at least one camera for capturing at least one image.

Helmsderfer teaches this feature (see col. 8, lines 17-24 and col. 10, lines 1-10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Helmsderfer's teaching into Goetzl's invention because it would records the sporting activity from the view of the participant; therefore, these images would show the conditions experienced by the participant in the competition.

Goetzl, as modified above, do not teach sending data representing at least one image to the base station.

Geiger teaches this feature (see Abstract and col.12, lines 32-53). It would have been obvious to one having ordinary skill in the art at the time the invention was made

to incorporate Geiger's teaching into Goetzl in view of Helmsderfer teachings, because it would transmit images to the remote location (i.e. base station); therefore, the images of the participant would be broadcasted in real time to view the activities as he experiences them.

4. **Claims 23 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Goetzl in view of Hanchett (U.S. 5,396,429).

As per claims 23 and 24, Goetzl teaches the system as stated above except that one relay unit includes at least two relay units. Hanchett teaches this feature (see col. 8, lines 1-33). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Hanchett's teaching into Goetzl's invention because each relay unit has a different transmission frequency that would receive performance data and images from a specific participant and transmit these performance data and images to a specific destination for viewing and analysis.

5. **Claims 29-34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Goetzl and Mickelson (U.S. 6,163,021).

As per claims 29 and 30, Goetzl teaches the system as stated above except that the performance metric includes a rotation rate or total rotation. Mickelson teaches this feature (see col. 2, lines 35-50; col. 3, lines 35-45; and col. 3, line 58 to col. 4, line 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Mickelson's teaching into Goetzl's invention, because it would provide a determination of the rotation rate by the angular sensor which would transmit it to the antenna relay and therefore from the antenna relay it

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would be transmitted to the remote location for viewing and analysis; therefore, viewers would determine how participants are performing.

As per claims 31-34, Goetzl teaches the system as stated above except that the sensing unit includes at least one magnetic field sensing device. Mickelson teaches a magnetic field sensing device (see col. 2, lines 36-50 and col. 3, line 58 to col. 4, line 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Mickelson's teaching into Goetzl's invention, because the magnetic field sensor would provide an electrical signal that represents the angular orientation of the vehicle relative to the reference axis, therefore the pitch and the roll angles would be determined in addition to the performance metric parameters of interest to better analyze the participant performance.

6. **Claim 25** is rejected under 35 U.S.C. 103(a) as being unpatentable over Goetzl in view of Hanchett and Eden et al. (U.S. 5,993,335)

Goetzl teaches the system as stated above except that the even area is a half pipe event area. Eden et al. teach a half pipe event area (see col. 2, lines 23-46). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Eden et al.'s teaching into Goetzl in view of Hanchett's teaching, because it would allow the camera to capture pictures of the entire area; therefore, viewers would be able to see the entire action and the performance of the participants.

Prior art

7. The prior art made record and not relied upon is considered pertinent to applicant's disclosure:

Hoder et al. ['881] disclose repeater for radio signals.

Itson ['615] discloses cycling and skating ramp trailer.

Berlinsky ['743] disclose remote wireless communication device.

Response to Arguments

8. Applicant's arguments with respect to claims 21-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact information


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed Charioui whose telephone number is (571) 272-2213. The examiner can normally be reached Monday through Friday, from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S Hoff can be reached on (571) 272-2216. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohamed Charioui

5/17/04


MARC S. HOFF
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